

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>D. G. Sweigert,</b>  <b>-against-</b>  <b>Jason Goodman,</b>	<b>PRO SE</b>  <b>23-cv-05875-JGK-VF</b>  <b>Judge John G. Koeltl</b>  <b>Related Case: 23-cv-06881-JGK-VF</b>
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**PLAINTIFF'S RESPONSE TO DEFENDANT'S  
MOTION FOR RECONSIDERATION**

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The *pro se* Plaintiff now complies with the 3/25/2024 Memo Endorsement, ECF no. 125. On 3/08/2024, the Defendant filed his motion papers at ECF no. 120 and 121, to which this document responds.

Signed April 4, 2024 (4/04/2024)



**D. G. SWEIGERT PRO SE PLAINTIFF, C/O  
PMB 13339, 514 Americas Way,  
Box Elder, SD 57719**

**CERTIFICATE OF SERVICE**

Copy of this pleading has been placed in the U.S. MAIL addressed to Jason Goodman, 252 7<sup>th</sup> Avenue, Unit 6-S, New York, N.Y. 10001 on April 4, 2024 (4/04/2024). Signed April 4, 2024 (4/04/2024)



**D. G. SWEIGERT PRO SE PLAINTIFF, C/O PMB 13339,  
514 Americas Way, Box Elder, SD 57719**

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**PLAINTIFF’S RESPONSE TO DEFENDANT’S  
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Jason Goodman, having spent twenty (20) years in Los Angeles working in the Hollywood film industry, has a baked-in flair for the dramatic and theatrical. To this end, Mr. Goodman accuses the Plaintiff of being a state actor for the U.S. National Institute of Health (N.I.H.).

Nonetheless, Plaintiff has affirmed under oath (again) that he has nothing to do with the N.I.H. past, present or future. See accompanying **DECLARATION OF THE PLAINTIFF** and **EXHIBITS ANNEX** (filed concurrently with this pleading).

**INTRODUCTION**

Familiarization with the facts and procedural history is presumed.

Very early in this litigation (11/07/2023) Defendant Jason Goodman, operator of the “Crowdsource The Truth” brand of social media podcasts, sought sanctions against the Plaintiff pursuant to Fed. R. Civ. Proc. (F.R.C.P.) Rule 11 with motion papers at ECF 60 (23-cv-05875) and ECF 53 (23-cv-6881) (herein collectively referred to as **[DOC. 62]**). The Court denied DOC. 62 with ORDER at ECF no. 73 filed 11/16/2023.

With his latest pleading, “NOTICE OF MOTION SEEKING RELIEF FROM ORDER, re: for Reconsideration of its denial of sanctions”, ECF no. 120 (3/08/2024), (**herein Recon**) Goodman now seeks reconsideration of ORDER ECF no. 73. Subsequently, ORDER ECF no. 125 (3/25/2024) directed the Plaintiff to respond to Goodman’s Recon prior to April 8, 2024. The *pro se* Plaintiff now complies by providing the following.

## BACKGROUND

1. The Court will recall the Defendant’s DOC. 62 presented an expansive history of Goodman’s perceived legal slights. As customary with Goodman, DOC. 62<sup>1</sup> is riddled with a barrage of insults, disparaging characterizations, criminal accusations, name calling and conclusory allegations. For example: Goodman relitigates his lawsuit with Robert David Steele (RDS), an ex-intelligence officer of the Central Intelligence Agency (C.I.A.), a resident of Virginia (who sued Goodman for defamation) and blames the Plaintiff’s brother (George Webb Sweigert) for bringing “RDS” into his life<sup>2</sup> (p. 8, BACKGROUND, DOC. 62). Goodman then accuses the Plaintiff of “inappropriately insinuating himself” into *Goodman v. Bouzy*, 21-cv-10878-AT-JLC (SDNY) (p. 10, ¶ **Rule 11(b)(1)**, DOC. 62) in which Goodman sued the Plaintiff as a co-defendant with several others. Goodman also alleges Plaintiff “coordinates a network of individuals who approach and harass Goodman on the streets of New York City and elsewhere”<sup>3</sup> (p. 11, ¶ unnumbered, DOC. 62).

2. In DOC. 62 Goodman seeks penalties against the Plaintiff for the actions of Plaintiff’s brother, “**Rule 11(b)(3) and (4)**. Plaintiff attempts to deceive the Court with denials surrounding a filing in the Eastern District of Michigan (“MIED”). In another violation of Rule 11, plaintiff’s brother, co-defendant Webb, filed an action against Cable News Network, Inc (“CNN”) in the MIED [Eastern District of Michigan] on October 31, 2020, (See Case 2:20-cv-12933-GAD-KGA)<sup>4</sup>”(p. 15, ¶ Rule 11(b)(3) and (4), DOC. 62).

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<sup>1</sup> Case 1:23-cv-05875-JGK-VF Document 62 Filed 11/07/23

<sup>2</sup> Case 1:23-cv-05875-JGK-VF Document 62 Filed 11/07/23 Page 8-9 of 26

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3. Then Goodman recounts his visits to the Detroit (Michigan) Police Department and the Federal Bureaus of Investigation (in Detroit) to investigate the Plaintiff's brother (George Webb Sweigert) and the *pro se* advocate for the M.I.E.D. court (Richard Loury) (p. 15, unnumbered<sup>5</sup>, DOC. 62).

4. Then Goodman provides a rehash of a thirty (30) year old *qui tam* action correctly known as *United States of America, Ex Rel. David George Sweigert, plaintiff-appellant, v. Electronic Systems Associates, Inc.; Lemuel Kinney, defendants-appellees*, 85 F.3d 630 (6th Cir. 1996), or as described in DOC. 62 and Recon papers as *Sweigert v. Electronic Systems Associates*<sup>6</sup> (*Sweigert, et al v. Electronic Systems, et al* 92-cv-00010-SSB-MRM (SD Ohio)) (p. 21, ¶ Factor Three<sup>7</sup>).

5. In light of this grab-bag of unrelated issues, the Court rightly denied Goodman's DOC. 62 request for relief. Unfortunately, Goodman's Recon is as fatally flawed as was his DOC. 62.

6. Goodman's Recon papers follow his DOC. 62 formula of insults ("Sweigert is a psychopathic cyberstalker<sup>8</sup>") (p. 2, ¶ 9, Recon) coupled with outlandish demands ("He must be enjoined if not criminally charged and ultimately incarcerated for his abhorrent, continuous, ongoing abuse"<sup>9</sup>) (p. 3, ¶ 11, Recon). Goodman recommends the Court issue a "criminal referral" for "forgery and fraud on the court" and other misdeeds related to litigation in the M.I.E.D. action<sup>10</sup> (p. 6, ¶ 33, Recon).

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<sup>10</sup> Case 1:23-cv-05875-JGK-VF Document 62 Filed 11/07/23 Page 15 of 26

7. Goodman also chastises the Court in that it “aided in this wrongful termination of Goodman’s access to valuable YouTube accounts which Goodman relied on to earn income.”<sup>11</sup> (p. 3, ¶ 16, Recon). Mr. Goodman then complains about “*ex parte*” communications between Twitter and ALPHABET, INC., which supposedly resulted in the loss of the “valuable” non-revenue, non-monetized social media accounts based on subscriber terms and conditions agreements that allow platform providers to terminate accounts at any time without any explanation.

8. Mr. Goodman cites in his Recon<sup>12</sup> an irrelevant 79-page Congressional report about “misinformation, disinformation and malformation” that concerns the National Science Foundation (N.S.F.)<sup>13</sup> (herein ***NSF Report***) (p. 4, ¶ 21, Recon).

9. Then Goodman pushes a completely false narrative on to this Court that:

“As an NIH employee, contractor or agent, Sweigert acted in violation at the time of a standing order from the U.S. District Court for the Western District of Louisiana and the Fifth Circuit Appellate Court. (See *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023))” (p. 3, ¶ 18, Recon)<sup>14</sup>

10. With these words Goodman appears to be accusing the Plaintiff of being a state actor of the U.S. National Institute of Health (N.I.H.). Interestingly, Mr. Goodman is the *pro se* plaintiff in a S.D.N.Y. “state actor” lawsuit pending against the New York Police Department, *Goodman v. The City of New York et al.*, 23-cv-09648-JGLC-GWG (SDNY). In the *Goodman v. NYC*

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<sup>13</sup> Para 21. On or about March 5, 2024, the U.S. House of Representatives Judiciary Committee punished a report titled, “THE WEAPONIZATION OF THE NATIONAL SCIENCE FOUNDATION: HOW NSF IS FUNDING THE DEVELOPMENT OF AUTOMATED TOOLS TO CENSOR ONLINE SPEECH “AT SCALE” AND TRYING TO COVER UP ITS ACTIONS.” (See [https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/NSF-Staff-Report\\_Appendix.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/NSF-Staff-Report_Appendix.pdf))

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original complaint<sup>15</sup>, ECF no. 1, the heading, “Violation of Plaintiff’s Constitutional Rights Pursuant to 42 US Code § 1983” appears. The term “1983” appears nine (9) times in ECF no. 1, referring to Section 1983 of “state actor” civil rights law. The latest show cause order from that action appears as **EXHIBIT A**<sup>16</sup> (Exh. A) in the accompanying **EXHIBITS ANNEX**.

11. Goodman’s concocted narrative (“plaintiff is a state actor”) is wholly untrue and demonstrates Goodman’s intent to mislead this Court in stating as fact that the Plaintiff is a state actor working at N.I.H. As Mr. Goodman knows, (a) the Plaintiff is NOT an employee, contractor or agent of N.I.H. and (b) the “standing order” of the Louisiana court (*Missouri v. Biden*) contained NO prohibitions against filing a legal action, in any way, shape or form.

12. By sworn statement on 1/29/2024, the Plaintiff informed the district court in the Southern District of Indiana and Goodman that the Plaintiff was NOT an N.I.H. state actor:

“At para. 9 Mr. Goodman states, “9. On or around October 2023, Goodman learned Sweigert has been employed as a contractor to the National Institutes of Health, (“NIH”) since September 2022. (EXHIBIT B)”. (Document 51 filed 01/26/24). The undersigned has never worked in any capacity for the U.S. National Institute of Health. [emphasis added] Case 1:24-cv-02203-JGK Document 56 Filed 01/29/24 Page 2 of 3<sup>17</sup>”

See **Exh. B** in accompanying **EXHIBIT ANNEX**.

13. Nonetheless, having this knowledge, Goodman states (two months later) “[a]s an NIH employee, contractor or agent, Sweigert acted in violation at the time of a standing order from the U.S. District Court for the Western District of Louisiana,” (p. 3, ¶ 18, Recon)<sup>18</sup> but does not provide a copy of the Louisiana operative order, neither does he explain how the Plaintiff may have violated such order.

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<sup>15</sup> Case 1:23-cv-09648-JGLC-GWG Document 1 Filed 10/31/23

<sup>16</sup> Case 1:23-cv-09648-JGLC-GWG Document 84 Filed 03/25/24 Page 1 of 2

<sup>17</sup> Legal action transferred to the S.D.N.Y. from the Southern District of Indiana

<sup>18</sup> Case 1:23-cv-06881-JGK-VF Document 105 Filed 03/08/24 Page 3 of 15

14. The so-called “order” referenced by Goodman is a preliminary injunction issued on 7/4/2023<sup>19</sup> by Hon. Terry A. Doughty, U.S. District Judge in Louisiana. That injunction enjoined U.S. Government agencies from “meeting with social-media companies for the purpose of urging, encouraging, pressuring, or inducing in any manner the removal, deletion, suppression, or reduction of content containing protected free speech posted on social-media platforms.”<sup>20</sup>

15. In his Recon Goodman ambiguously refers to the order as associated with *Missouri v. Biden*, which has a convoluted history (p.3, ¶ 18, Recon). In essence, Goodman is alleging that the Plaintiff violated a 7/04/2023 injunction by filing this instant lawsuit as a state actor (alleged N.I.H. agent). However, Judge Doughty’s 7/04/2023 injunction does not address litigation within its ten (10) conditions, which are directed at U.S. Government agencies, not private citizens. A copy of that “order” is attached as **Exh. C** in the **EXHIBIT ANNEX**.<sup>21</sup>

16. *Missouri v. Biden*, as it is known in the lower court has become *Murthy v. Missouri*. *State v. Biden*, 80 F.4th 641, 653 (5th Cir.), opinion withdrawn and superseded on reh’g, 83 F.4th 350 (5th Cir. 2023), cert. granted sub nom. *Murthy v. Missouri*, 144 S. Ct. 7 (2023)

17. Interestingly, the same Judge Doughty denied Goodman’s 1/10/2024 attempt to intervene in an action consolidated with *Missouri v. Biden*<sup>22</sup>, that of *Robert F. Kennedy, Jr. v. Biden*, CASE NO. 3:23-CV-00381 (W. D. La)<sup>23</sup>. The *Robert F. Kennedy* action was

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<sup>19</sup> Case 3:22-cv-01213-TAD-KDM Document 294 Filed 07/04/23

<sup>20</sup> Case 3:22-cv-01213-TAD-KDM Document 294 Filed 07/04/23 Page 4 of 7

<sup>21</sup> Case 3:22-cv-01213-TAD-KDM Document 294 Filed 07/04/23 Page 1 of 7 PageID #: 26947

<sup>22</sup> Case 3:23-cv-00381-TAD-KDM Document 27 Filed 07/24/23 Page 1 of 5 PageID #: 393

<sup>23</sup> Case 3:23-cv-00381-TAD-KDM Document 33 Filed 01/10/24

consolidated with *Missouri v. Biden* on 7/23/2023<sup>24</sup>. On 1/19/2024 Judge Doughty denied Goodman's Request for Reconsideration<sup>25</sup> of his original order denying Goodman's intervention into that action. [Exh. D and E (orders of 1/10/2024 and 1/19/2024 respectively)].

18. There are ten (10) restrictions in the July 4, 2023 injunction [Exh. C], none address litigation between two private parties or in any form. Nonetheless, Goodman insists that merely filing this lawsuit was a violation of that 7/04/2024 preliminary injunction. It clearly was not. Therefore, Goodman has used this "standing order violation" ruse as an apparent smokescreen to confuse this Court and the court in Louisiana.

19. In said intervention motion papers [Exh. F] Goodman argued "[t]his application is timely because in October 2023, Goodman learned that the plaintiff in *Sweigert v. Goodman* [this instant case] is employed by the National Institute of Health ("NIH"). Goodman further learned that the plaintiff sued in a deliberate attempt to circumvent this Court's 7/4/2023 ruling.<sup>26</sup>" (p. 2, ¶ 4, Exh. F) [emphasis added].

20. As stated in the Recon, the reference to the 7/4/2023 injunction by Judge Doughty is obfuscated under a Fifth Circuit Court of Appeals decision, "U.S. District Court for the Western District of Louisiana and the Fifth Circuit Appellate Court. (See *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023))<sup>27</sup>" (p. 3, ¶ 18, Recon).

21. To clarify the situation the Plaintiff leans on the wisdom of the Fifth Circuit as expressed in footnote 3 of *Doe v. Snap, Inc.*, No. 22-20543 (5th Cir. Jun. 26, 2023).

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<sup>24</sup> ORDER consolidating Lead Case # 3:22-cv-1213 w/case #3:23-cv-0381. This order is filed as document #316 in lead case #3:22-cv-1213. Signed by Judge Terry A Doughty on 7/24/2023. (crt,Thomas, T) (Entered: 07/25/2023)

<sup>25</sup> Case 3:23-cv-00381-TAD-KDM Document 37 Filed 01/19/24 Page 2 of 2

<sup>26</sup> Case 3:23-cv-00381-TAD-KDM Document 31-1 Filed 01/03/24 Page 2 of 9 PageID #: 427

<sup>27</sup> Case 1:23-cv-06881-JGK-VF Document 105 Filed 03/08/24 Page 3 of 15

“Large, modern-day internet platforms are more than willing to remove, suppress, flag, amplify, promote, and otherwise curate the content on their sites in order to cultivate specific messages. See Missouri v. Biden, 83 F.4th 350, 392 (5th Cir. 2023), cert. granted, No. 23-411, 2023 WL 6935337 (S. Ct. Oct. 20, 2023) (finding numerous platforms likely restricted protected speech on their sites as a result of government pressure).” [emphasis added]

22. Nevertheless, Goodman boldly proclaims in his Louisiana motion papers “**NIH HAS ATTEMPTED TO CIRCUMVENT THIS COURT’S ORDER**” (p. 7, 33, Exh. F).

Goodman obviously knew the orders of *Missouri v. Biden* were inapplicable to the Plaintiff for merely docketing a lawsuit. Goodman has simply grafted the Plaintiff into his government censorship conspiracy theory, which he constantly promotes as “COUNTER LAWFARE” on his for-profit social media podcasts, to include PATREON pay-per-view [Exh. G]. For those who traffic in such conspiracy theories on social media [Exh.. G] Government censorship theories are good business, which explains references to the irrelevant *NSF Report* by Goodman.

23. The Court is unlikely to see the relevancy of Goodman’s N.I.H. *Missouri v. Biden* “standing order” narrative to this legal action. That’s because it is not relevant. However, the Court should understand that Goodman uses his court pleadings as a script for his COUNTERLAWFARE broadcasts on the PATREON.com paywall service using credit card technology in a pay-per-view fashion. On his live video podcasts, Goodman walks his audience through his pleadings step-by-step. This PATREON process is fully described in the Amended Complaint (p. 27-29, ¶ 48 to 52)<sup>28</sup>. Goodman’s pleadings are intended to create false narratives for PATREON podcasts which use the S.D.N.Y. as his theatrical stage.

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<sup>28</sup> Case 1:23-cv-06881-JGK-VF Document 12 Filed 01/23/23 Page 27 of 72

24. Finally, Goodman blames this Court for the independent actions taken by the parent company of YouTube, ALPHABET, INC., for the loss of his non-revenue social media channels, “Without justification or explanation, the Court has made itself complicit in these acts and it must now reverse course lest it forfeit subject matter jurisdiction in this case” (p.4, 19, Recon)<sup>29</sup>. The Plaintiff had nothing to do with these account terminations as explained in the accompanying DECLARATION (¶ 6) and Exh. B<sup>30</sup> in the EXHIBITS INDEX.

### LAW AND ARGUMENT

25. The Defendant’s Motion for Reconsideration (Recon) at ECF no. 120 (to include a 14-page *Memorandum of Law* at ECF no. 121) cites “F.R.C.P. Rule 60(b)(2) and (3)” to support reconsideration of the ORDER at ECF no. 73.

26. Motions for reconsideration represent a high bar for a movant to reach. The Second Circuit has cautioned that Rule 60(b) motions are disfavored and should be granted only upon a showing of exceptional circumstances. See *Pichardo v. Ashcroft*, 374 F.3d 46, 55 (2d Cir. 2004).

#### **Standards for Rule 60 relief**

27. Relief under Rule 60 is considered “extraordinary judicial relief.” *Nemaizer v. Baker*, 793 F.2d 58, 61 (2d Cir. 1986). The Second Circuit has held that Rule 60(b) is “a mechanism for ‘extraordinary judicial relief’ invoked only if the moving party demonstrates ‘exceptional circumstances.’” *Ren Yuan Deng v. New York State Off. of Mental Health*, 783 F.App’x. 72, 73 (2d Cir. 2019). “Accordingly, a party seeking relief under [Rule 60(b)] must show ‘highly convincing’ evidence in support of its motion, good cause for its ‘failure to act sooner,’ and that

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the nonmoving party would not suffer undue hardship.” *Katz v. Mogus*, No. 07 Civ. 8314 (PKC)(KNF), 2012 WL 263462, at \*3 (S.D.N.Y. Jan. 25, 2012) (citation omitted).

28. To meet this high burden, Mr. Goodman offers judicial decisions from *qui tam* litigation over three (3) decades old that involved the Plaintiff and his former employer (Lemuel Kinney) who was convicted of defrauding \$1.2 million from the Central Intelligence Agency (C.I.A.), *United States ex. rel. Sweigert v. Electronic Systems Associates*.<sup>31</sup>

**Rule 60(b)(2)**

29. Mr. Goodman fails to meet the Rule 60(b)(2) burden concerning the “newness” with these “golden oldie” Ohio *qui tam* judicial orders as Goodman has already referenced the same *qui tam* C.I.A. litigation four (4) months prior in his DOC. 62<sup>32</sup>.

30. This means that Goodman was well aware of *United States ex. rel. Sweigert v. Electronic Systems Associates* four (4) months ago when Goodman discussed the Ohio *qui tam* action, and a magistrate’s order, in DOC. 62<sup>33</sup>. See “[a] magistrate judge recommended

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<sup>31</sup> As noted in this Google book, (<https://tinyurl.com/lemualkinney>) documenting the successful nomination of the Hon. Natalia M. Combs Greene (federal jurist) by the U. S. Congress, Senate, Committee on Governmental Affairs, she recalled that during May 1990-December 1994, she was a Senior Counsel, Trial Attorney for the U. S. Department of Justice, Fraud Section, Criminal Division. In that capacity she recalled working on these cases: *United States vs. Joseph Romello*, CR No. 92-00418A and *United States v. Lemuel Kinney and Electronic Systems & Associates, Inc.*, CR No.94-00057A.

Greene stated, “These matters, both of which resulted in guilty pleas involved a fraudulent scheme by defendants to obtain monies from the government. The case presented complex and interesting issues concerning fraud, money laundering and the Classified Information Procedures Act (“CIPA”). Defendant Romello was a contracting officer and managed contracts for the CIA and another intelligence agency in the intelligence community.”

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dismissing the complaint for failure to comply with procedural requirements,” (p. 21, ¶ Factor Three<sup>34</sup>, DOC. 62).

31. Goodman now provides that Ohio *qui tam* magistrate’s order as Exhibit A (p. 7, Exh. A, Recon)<sup>35</sup> from the *Electronic Systems Associates* lawsuit Goodman discussed four (4) months ago in DOC. 62. This lack of newness is a fatal flaw of the Recon.

32. Evidence that was "clearly available" at the time of the judgment (here November 2023) is "not ‘newly discovered’ " for the purposes of a motion under Rule 60(b)(2). *Whitaker v. N.Y. Univ.* , 543 Fed.Appx. 113, 114 (2d Cir. 2013). "Rule 60(b)(2) provides relief when the movant presents newly discovered evidence that could not have been discovered earlier and that is relevant to the merits of the litigation." [emphasis added] *Aponte v. City of N.Y. Dep’t of Corr.* , 377 Fed.Appx. 99, 100 (2d Cir. 2010) (internal quotation marks omitted) (quoting *Boule v. Hutton* , 328 F.3d 84, 95 (2d Cir. 2003) ). See *Madonna v. United States*, 878 F.2d 62, 64 (2d Cir. 1989) (stating that Rule 60(b)(2) motion is properly based on new evidence of fraud or mistake discovered after trial).

33. Rule 60(b)(2) motions are addressed to the broad discretion of the court and are granted "only upon a showing of exceptional circumstances." *Newmaizer v. Baker*, 793 F.2d 58, 61 (2d Cir. 1986); see also *Int’l Bhd. of Teamsters*, 247 F.3d at 391; *Pal v. Apfel*, 14 Fed. App. 113, 114 (2d Cir. 2001); *Savoie*, 1999 WL 385749, at \*1.

### **Rule 60(b)(3)**

34. Rule 60(b)(3) allows a court to grant relief from a judgment for fraud, misrepresentation, or misconduct by an opposing party. Rule 60(b)(3) also creates a high bar for Goodman. "[A]

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<sup>34</sup> Case 1:23-cv-05875-JGK-VF Document 62 Filed 11/07/23 Page 21 of 26

<sup>35</sup> Case 1:23-cv-06881-JGK-VF Document 105 Filed 03/08/24 Page 7 of 15

Rule 60(b)(3) motion cannot be granted absent clear and convincing evidence of material misrepresentations and cannot serve as an attempt to relitigate the merits." *Fleming v. N.Y. Univ.*, 865 F.2d 478, 484 (2d Cir. 1989). A Rule 60(b)(3) movant "must show that the conduct complained of prevented the moving party from fully and fairly presenting his case." *State St. Bank & Trust Co. v. Inversiones Errazuriz Limitada*, 374 F.3d 158, 176 (2d Cir. 2004) (citation omitted).

35. Goodman provides no clear and convincing evidence to support his allegations of fraud on the court, forgery and other misconduct. The movant must establish such fraud, forgery and misconduct by clear and convincing evidence. [emphasis added] *Fleming*, 865 F.2d at 484 (finding district court did not abuse its discretion in denying Rule 60(b)(3) motion where that motion was a "mixed bag, including some items of little probative value").

36. "It is well-settled that [a motion for reconsideration] is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple. Rather, the standard for granting a . . . motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) (cleaned up).

37. To refresh the Court's memory concerning Goodman's litigation history the following recap of recent court decision is provided.

*Goodman v. Sharp et al*, 21-cv-10627-VEC (SDNY)      **ORDER ECF 76 on 9/06/2022**

"Rather, Plaintiff has reasserted the same meritless arguments of fraud and attorney misconduct against Defendants that this Court has already dismissed. Accordingly, Plaintiff's motion for reconsideration is DENIED."



*Goodman v. Bouzy et al*, 21-cv-10878-AT-JLC (SDNY) **ORDER ECF 278 on 2/21/2024**

“Goodman’s objections, ECF No. 272, are general, conclusory, and merely reiterate arguments he has made in previous objections and filings submitted to both the Court and Judge Cott.”

**CONCLUSION**

38. Goodman mischaracterized the order of Judge Doughty (*Missouri v. Biden*) to develop an elaborate narrative that the plaintiff worked at the National Institute of Health (“NIH”) for the purposes of broadcasting this intrigue on the “COUNTER LAWFARE” for-profit podcasts at PATREON.

39. Goodman’s theatrical trickery embodied in his Recon is obvious and requires this Court to DENY such a jumble of irrelevancies. Clearly, Goodman has been informed, several times, that the Plaintiff has never worked for the N.I.H. Moreover, the Court should strongly consider sanctions against Goodman for filing the Recon papers, as they had no hope of being successful. *Smith v. Westchester Cty. Dep’t of Corr.*, 577 F. App’x 17, 18–19 (2d Cir. 2014) (affirming sanctions against a party for filing a single motion for reconsideration because that motion had no chance of success and “was made in bad faith”).

Signed April 4, 2024 (4/04/2024)



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